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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/691,847	10/23/2003	Harold A. Ladouceur	60,152-989	6698

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EXAMINER

MAZZUCA JR, DOUGLAS

ART UNIT	PAPER NUMBER
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3726

DATE MAILED: 11/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/691,847

Applicant(s)

LADOUCEUR, HAROLD A.

Examiner

Douglas E. Mazzuca

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10/28/2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) 12-14 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☒ Claim(s) 4-5,7-11 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2/26/04, 5/28/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. Applicant's election with traverse of a method for installing a self-attaching female fastener in a metal panel in the reply filed on 10/28/2005 is acknowledged. The traversal is on the ground(s) that the same limitations in claims 12-14 are also in claims 1-11. The claimed method of claims 1-11 cannot be made without the self-attaching female fastener described in claims 12-14. This is not found persuasive because the method specifically described in claims 1-11 provide for a female fastener to be substantially simultaneously deformed. Clearly the fastener claimed in claims 12-14 does not have to be simultaneously deformed at all radially outwardly and inwardly. US Patent No. 412,243 describes a rivet with similar bore ends being deformed just outwardly. Furthermore, both ends do not have to be deformed simultaneously, as can be seen in US Patent No.'s 5,237,733 and 4,831,698. Additionally, claims 12-14 do not describe the fastener having to be attached to a metal panel, as claims 1-11 describe.

The requirement is still deemed proper and is therefore made FINAL.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

a. Claims 1-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In each independent claim (claims 1, 6, and 10) the term "substantially simultaneously", appears. Yet it is

unclear as to what it is referring. Are both sides of the fastener substantially simultaneously deformed, or does one side deform substantially simultaneously radially outwardly and inwardly.

b. Examiner reads "substantially simultaneously" as meaning deforming both sides at the same time.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Tally et al. (US Patent No. 3,446,908). Tally et al. disclose:

A method of installing a self-attaching female fastener element (**figure 4b**) in a metal panel (**13, or 26**) said self-attaching female fastener element including a body portion (**middle section of 21 with 22**) having a bore therethrough, a first tubular barrel portion (**upper end of 21**) integral with a first end of said body portion and a second tubular barrel (**lower end of 21**) portion integral with a second end of said body portion, each of said tubular barrel portions having longitudinal axis coincident with a longitudinal axis of said bore and an outer diameter less than said body portion (**21 is less than 22**) such that said self-attaching female fastener element is symmetrical with respect to a plane

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perpendicular to said longitudinal axis, said method comprising the following steps:

Inserting an open end of one of said first and second tubular barrel portions through an opening in said panel (**column 2 lines 59-60**) and substantially simultaneously deforming (**column 5 lines 61-64, column 7 lines 32-33, figure 5 and 6, central portion**) said one of said first and second tubular barrel portions radially outwardly and inwardly to entrap an end portion of said panel surrounding said opening (**figure 6, lower half of 74 and 73, below metal panel**) permanently retaining said self-attaching female fastener to said panel; (**column 5 lines 73-75**) and deforming the other of said first and second tubular barrel portions radially outwardly and inwardly (**figure 6, upper half of 74 and 73, above metal panel**), thereby reducing the longitudinal length of said self-attaching female fastener installed in said panel.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2, and 6, are rejected under 35 U.S.C. 103(a) as being unpatentable over Tally et al. (US Patent No. 3,446,908) in view of Ladouceur et al. (US Patent No. 5,237,733). In regard to claims 2, Tally et al. disclose all the information listed in the claim except the following, a body portion including a generally polygonal outer portion

surface. However, Ladouceur et al. teach a generally polygonal surface on the body of self-attaching female fastener (**column 5 lines 5-9, column 8 lines 7-10, also seen in figures 1-2, and 6-7**) . The purpose of having a polygonal outer body is to help prevent the rotation of the fastener in relation to the metal panel. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the method of installing a self-attaching female fastener of Tally et al. with the polygonal outer shape of Ladouceur et al. in order to prevent the free rotation of the fastener while being installed, or while installed in a metal panel.

6. Concerning claim 6, Tally et al. disclose all the information listed above, yet fails to disclose a body portion having a threaded bore therethrough. Ladouceur et al. teach a threaded body portion having a threaded bore therethrough (**figure 3, #38, column 7 line 9**). The purpose of having a threaded bore, as opposed to an unthreaded bore, is so a bolt, screw, or other male threaded component can be affixed to the female fastener attached to the panel. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made combine the method of installing a self-attaching female fastener of Tally et al. with threaded bore of Ladouceur et al. in order allow for male threaded fastener elements to be attached to the female fastener element affixed to the metal panel.

7. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tally et al. (US Patent No. 3,446,908) in view of Muller (US Patent No. 4,831,698). Tally et al. disclose the information provided in the claim, as listed above, yet fails to disclose piercing the opening in the metal panel. Muller teaches aligning the fastener on the

metal panel, and piercing the metal panel to create an opening for the fastener (**column 1 lines 27-33, figure 5, 86; it can also be seen in figure 5 that the fastener is clearly positioned against the metal panel**). The purpose of piercing the panel while installing the fastener is to acquire accurate and precise alignment of the fastener in relation to the pierced hole. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the method of attaching a female fastener element of Tally et al. with the piercing operation of Muller in order to more accurately and precisely position the fastener in the properly aligned hole in the metal panel.

Allowable Subject Matter

8. Claims 4-5 and 7-9, would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

9. Claim 1 and 11 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Douglas E. Mazzuca whose telephone number is (571)272-7813. The examiner can normally be reached on 7:30AM-4PM Mon-Fri.


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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David P. Bryant can be reached on (571)272-4526. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Douglas Mazzuca
11/14/05

DEM


MARC JIMENEZ
PRIMARY EXAMINER
11/15/05